

# TUWaterWays

Water News and More from the Tulane Institute on Water  
Resources Law and Policy  
February 6, 2014

## **“Coastal Czar” Garret Graves Resigns After Six Years**

Coastal Protection and Restoration Authority (CPRA) Chairman, Garret Graves will step down on February 17. Jerome Zeringue, second in command at CPRA and former Terrebonne Parish levee authority director, will succeed Graves. Graves oversaw the expansion of the authority’s role in coastal restoration and hurricane levee building and has been referred to as “perhaps the most powerful unelected public official in Louisiana.” In addition to directing the rewrite of the state’s comprehensive coastal Master Plan and pressing forward with its implementation, Graves represented Louisiana in negotiations with public agencies and BP after the 2010 oil spill. Speculation is already running rampant as to what his next move will be. He has stated that he has “nine or ten” options to consider and wishes to stay in touch with coastal issues. However, we here at the Institute think we know exactly what’s next for Graves and will tell you right after he announces his plans.

Not to be topped, apparently, Pat Mulroy, legendary (within water circles) manager of Las Vegas Valley Water District is also stepping down from her position as water czar where she has been integral to bringing a welcome dose of thoughtfulness to the growth of the country’s driest metropolis. In both cases, the jobs will not be getting any easier.

## **The Egyptian Nile Joins the Sinking Delta Club**

The Nile Delta is home to roughly 40 million people and produces two-thirds of Egypt’s agriculture. It also joins the ranks of SE Louisiana as one of the most vulnerable coastlines in the world, and the reasons are startlingly similar. The delta is starved of sediment thanks to the Aswan High Dam, which was built upriver in the 1960s and blocks millions of tons of silt from reaching the delta. Thousands of hectares have now sunk to sea level. Compounding the subsidence, increased demand on the Nile River has reduced the flow reaching the delta, allowing saltwater to intrude farther inland. Delta farmers are already feeling the repercussions. As one farmer who lives about a quarter mile from Egypt’s northern coast, put it, “The land has become sick. The soil is saline, the irrigation water is saline, and we have to use a lot of fertilizers to grow anything on it.”

To make matters worse, an estimated 33 percent of the delta will be impacted by sea level rise. Even under a conservative estimate of sea level rise, an eighth of Egypt’s agriculture would be destroyed and about eight million people would be displaced.

The **Tulane Institute on Water Resources Law and Policy** is a program of the Tulane University Law School.

The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and stewardship of water.

## **Coming up:**

**February 21-22, 2014**

**Tulane Summit on Environmental Law & Policy**  
Tulane Law School  
New Orleans, LA

**March 8, 2014**

**Louisiana Water Festival**  
State Capitol  
Baton Rouge, LA

**March 18-20, 2014**

**State of the Coast 2014**  
Ernest N. Morial Convention Center  
New Orleans, LA

## **Tulane Institute on Water Resources Law & Policy**

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To buttress the protection afforded by natural dunes, scientists are proposing the construction of a seawall deep enough to prevent seawater seepage and strong enough to hold back the Mediterranean. The only problem is the Egyptian government (like many others) doesn't have the billions of dollars needed to finance the project and the recent political and social instability has scared off many foreign investors.

### **California Chooses Not to Play Favorites, Opposes House GOP Drought Bill**

The California state government has officially weighed in against H.R. 3964, which passed the U.S House yesterday. The bill loosens environmental protections for the fragile San Joaquin River restoration and allows the diversion of river water to California farmers who are facing the very real threat of leaving their fields fallow. While bill-cosponsor Congressman Devin Nunes touts H.R. 3964 as "a comprehensive solution to government-imposed water shortages," California Governor Jerry Brown has labeled the bill as "an unwelcome and divisive intrusion." In a letter to the California delegation, California's Secretary for Natural Resources, John Laird, wrote that the state stands behind its dual mandate of "water supply reliability and ecosystem restoration." Laird urges the congressmen to focus on "storage, conservation, recycling, and water transfers." Apparently heeding their call, California Senator Darrell Steinberg is crafting such legislation and the USDA just made \$20 million available to California farmers for water conservation efforts (though not to one of the state's thirstiest crops).

The key to Governor Brown's long-term plan to supply water to thirsty residents and farmers, however, is a \$15 billion plan to divert Sacramento River water through two 30-mile tunnels to existing canals that supply water to central and southern California. The tunnels would relocate the pumping of delta water from the ecologically sensitive southern delta to the northern delta, which the state officials say would result in less fish kills. Not all environmental advocates are on board, as some criticize the plan's "flawed assumptions" of surplus of water in the northern part of the delta and the price tag of a project that "won't add one drop of water to [the] drought-plagued state." Wondering how all this affects us in Louisiana? Hear our own Mark Davis explain how this historic drought can affect regions far beyond California.

### **Hot Off the Press: Status Update from the Louisiana Water Resources Commission**

Normally, we like to properly digest a publication before commenting on it, and today will be no different. However, as we mull over the latest of the Commission's yearly status updates on management recommendations, we urge you to do the same. The update delineates the progress made on implementing a host of recommendations identified in March 2012 to improve the stewardship of the state's water resources. The recommendations cover a range of management tools, including increased monitoring, evaluation, and education.

### **Feds Responding to Call for Increased Oversight in Wake of West Virginia Chemical Spill**

A federal grand jury investigation has been launched to determine the existence and extent of criminal activity associated with last month's chemical spill. Given the shady past of main partner Carl Kennedy II, we're interested to see what turns up. Meanwhile, Congress is responding to affected residents who are calling for increase oversight of dangerous chemicals. Senate Democrats, including Joe Manchin of West Virginia, have introduced the Chemical Safety and Drinking Water Protection Act, which if passed would require regular inspections of above-ground storage tanks and state-approved emergency response plans. Meanwhile other senators are trying to drum up support for a long-overdue but controversial reform to the Toxic Substances Control Act, which was introduced before the spill back in May 2013.

### **Louisiana and Army Corps Agree to Consolidate Development Fees for Coastal Restoration Projects**

As it stood, developers in coastal Louisiana had two options for offsetting the coastal damage their projects would create: pay operators of a private mitigation bank to build wetlands or build wetlands themselves. A new "in lieu" fee agreement between the Louisiana Department of Natural Resources and the Army Corps of Engineers opens up a third option, which allows a developer to pay the fee directly to the State. As the coastal czar Garret Graves put it, "this allows [the State] to pool greater sums of money to invest in strategic wetlands restoration projects associated with our Master Plan." The fees will be restricted to projects in either the western or eastern half of the coast, depending on the location of the development, and

the fees cannot be used by the State as part of a matching requirement for other federal projects. The practicality of this move is obvious but it will, or should, be a very modest tool since saving the coast with fees generated from things that damage or destroy parts of it is ultimately a self-defeating proposition.

**Come One, Come All to 19<sup>th</sup> Annual Tulane Environmental Law and Policy Summit, February 21 and 22.**

Once again the students of Tulane's Environmental and Energy Law Society have come up with a socko event. This year's summit has a strong thread of water panels and speakers in addition to other fascinating topics, panels and field trips. Keynote speakers include **Dr. Marcus Ericksen**, founder of the 5 Gyres Institute and **Dr. Sylvia Earle**, former head of the National Oceanic and Atmospheric Administration and one of the most notable ocean scientists in the world. The summit will be held at Tulane Law School on February 21 and 22. Click [here](#) for more information.